

**REMARKS**

Claims 17-24 were examined in the Final Office Action mailed November 4, 2009. These claims stand under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,101,456 to Kowatari, et al. ("Kowatari") in view of U.S. Patent No. 6,671,641 to Collins, et al. ("Collins").

The Applicants have amended claims 17, 18, 21 and 22, and have added new claims 25 and 26. The Applicants submit that no new matter is added by these amendments, as the amendments to claims 17, 19, 21, 23, 25 and 26 are supported in the first embodiment in the original Specification (specifically, the amendments to claims 17, 18, 21 and 22 are supported in step S2 of FIG. 5 and the corresponding Specification descriptions).

The amendments to claims 18, 20, 22, 24 are supported in the third embodiment (see, e.g., Original Specification ¶¶ [0040], [0042]; Figs. 14, 15 (in particular, a current correction value  $A_{i0}$  corresponding to the target pump displacement 00 is calculated by using the current correction values  $A_{imin}$  and  $A_{imax}$  having been obtained through the learning control (step 5708), instead of generating a learned characteristic and calculating based on the learned characteristic a correction amount, as disclosed in paragraph [0042]); claim 18 and claim 22 amendments including deleting the features of generating a learned characteristic and calculating based on the learned characteristic a correction amount).

Finally, new claims 25 and 26 are supported in Specification ¶ [0023] (Figs. 8, 11), and ¶ [0025] (Fig. 5, step S104). The correction characteristic of

claims corresponds to the correction expression in Specification ¶ [0023].

Turning to the cited references, Kowatari, which corresponds to a reference described in the BACKGROUND ART of this application, discloses a system which: (i) detects the *actual* pump displacement using a displacement angle *sensor* 11, (ii) obtains a correction formula for pump displacement according to a difference between the actual pump displacement and a target pump displacement, and (iii) controls a proportional electromagnetic valve for controlling pump displacement, based on the correction formula. In contrast, in the invention recited in the pending claims, the system compensates for variations in proportional electromagnetic valves outputs *without using a displacement angle sensor*. In other words, the Kowatari system requires the displacement angle sensor because it has no other means for compensating for variations among proportional electromagnetic valves; the present invention eliminates the need for costly and potentially troublesome actual displacement sensors.

As to the combination of Kowatari and Collins, Collins does not contain any teachings which cure the deficiencies of Kowatari. Further, these references (either alone or in combination) do not disclose or suggest the presently claimed feature of "a judging step of judging whether a learning control mode is selected or a normal control mode is selected," nor the present inventions determination of whether the system is in a learning mode and responding accordingly (*e.g.*, the features of "the calculating step further comprises when the learning control mode is selected ..." and "the calculating step further comprises when the normal

control mode is selected ..."). Thus, no combination of the Kowatari and Collins references would result in the presently claimed invention, and therefore the claims are patentable over these references under § 103(a). Reconsideration and withdrawal of the pending § 103(a) rejections is respectfully requested.

**CONCLUSION**

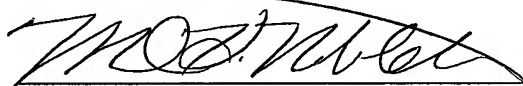
In view of the foregoing amendments and remarks, the Applicants submit that claims 17-26 are now in condition for allowance. Early and favorable consideration and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 101790.58258US).

March 4, 2010

Respectfully submitted,



Jeffrey D. Sanok  
Registration No. 32,169  
Mark H. Neblett  
Registration No. 42,028

CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844